

February 27, 2009

MediaFLO USA, Inc.
c/o Gregory Mercier
DUVAL & KLASNICK, LLC
10 Cedar Street, Suite 17
Woburn, Massachusetts 01801

Re: Tiverton Zoning Board Relief; Map 2-6, Block/Plat 117, Card/Lot 26A

Dear Mr. Mercier:

The following is the decision on your Petition heard by the Tiverton Zoning Board of Review (the "Board") on February 4, 2009 for a request for a special use permit to install two new satellite receiving antennas at an existing telecommunications facility exceeding the number of receivers per lot (the "Use") pursuant to Article IV Section 2 of the Tiverton Zoning Ordinance ("Zoning Ordinance") located at 66 Lafayette Road, Tiverton, Rhode Island at Map 2-6, Block/Plat 117, Card/Lot 26A (the "Premises") located in an R80 zoning district.

A company representative was present at the hearing to explain the proposed operations addition of two new satellite receiving antennas at an existing telecommunications facility. The representative explained that the existing site over thirty-three acres in size and is uniquely shaped. The representative also explained that the new receivers would not be visible from the road, would not adversely affect the surrounding area and provide a vital service in today's modern telecommunications oriented society. No neighbors were present at the hearing.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contain approximately 33 acres of land area, more or less, zoned R80.
2. That the Premises contain an existing telecommunications facility. The proposal is permitted, but additional receivers require the issuance of a special use permit pursuant to Article IV, Section 2 of the Zoning Ordinance.
3. That the petitioner testified that the proposed addition of two new satellite receivers is necessary to maintain the current service levels required at the facility.
4. That the petitioner adequately explained that the Use and sought after relief was compatible with the surrounding area and the environment, that all other permits had already been obtained to permit the Use, that the Use would not adversely affect surrounding property values or negatively effect the area and that the Use would not have an adverse effect on traffic conditions in the area.

5. No neighbors expressed concerns regarding the Use during the presentation of the proposal at the public hearing.
6. That the Board concurred with the factual statements and opinions of the petitioner, whose information, analysis and conclusions were found credible and made a part of the record.

As to the special use permit, the Board made a motion to approve the sought after relief. After deliberations, the Board voted unanimously to grant the petitioner's application for a special use permit, as follows:

- (1) The public convenience and welfare will be served by allowing the establishment of the Use on the Premises.
- (2) The proposed Use will not be detrimental to the public health, safety, morals or welfare.
- (3) The proposed Use will be compatible with neighboring uses and will not adversely affect the general character of the area.
- (4) The proposed Use will not create a nuisance in the neighborhood, and will not hinder or endanger vehicular or pedestrian movement.
- (5) The requested Use is compatible with the comprehensive community plan of the Town of Tiverton.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioner to the Board and that any changes to the approved plan shall not be made without approval of the Zoning Board of Review. Specifically, that no bar, restaurant or retail use other than an ancillary specialty retail use for the spa is approved as part of this relief.
3. This approval shall expire one year from the date of granting of such by the Board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. The Board may, upon application thereof, for cause shown and without a public hearing, grant an extension, provided that not more than one such extension for a period of six months may be granted.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman
Tiverton Zoning Board of Review

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